

October 2, 1957

NEW HAMPSHIRE LAW LIBRARY

Ruth G. Morgan, Deputy Labor Commissioner
State House
Concord, New Hampshire

OCT 01 1998

CONCORD, N.H.

Dear Miss Morgan:

This is in response to your inquiry of September 23, 1957 as to when a minor is emancipated so that his parents' signature would not be required on workmen's compensation agreements.

As the opinion from this office dated September 11, 1947 states, an unemancipated minor would require the signature of his guardian or parent in order to have a valid contract for compensation.

There are a number of ways that a child may be emancipated. The most common way, of course, is through matrimony. In all other cases a claim of emancipation is a question of fact and our Supreme Court has said that while emancipation is not to be presumed it may be inferred from conduct and may be partial or temporary. See Dunlap v. Dunlap, 84 N.H. 352. The Supreme Court of New Hampshire said in Lessard v. Company, 83 N.H. 578, that emancipation of a minor can be accomplished by agreement, express or implied; it may arise from conduct of the parent inconsistent with his claim to further obedience or service of the child; or it may occur by operation of law. The question of whether the father or mother or both have entitled themselves to compensating services of the minor is a question of fact. The right to that service is correlative to the duty to support by the parent. Generally speaking, where a parent or parents have ordered a minor from the home and in fact the minor leaves and supports himself for any extensive period of time without further assistance or supervision from the parent, he well may be an emancipated minor. It is a question of fact in each instance.

Sincerely yours,

William J. Deachman
Assistant Attorney General

WJD/m